

JUSTIFICATION  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
23 Christopher Way  
Eatontown, NJ 07724
2. Description of Action: This proposed action is for a brand name firm-fixed-price delivery order to be issued against the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC).
3. Description of the Supplies or Services: The Department of Veterans Affairs (VA), Office of Information and Technology, Service Delivery and Engineering, Enterprise Operations (EO) office requires Symantec NetBackup Platform Base Complete Edition 7.6 or most current Platform 1 Front End Terabyte (TB) License for VA's Enterprise Backup Solution and support, including Symantec Business Critical Services NetBackup Family Remote Product Specialist, and Symantec NetBackup Resident. The Symantec NetBackup software license and maintenance shall support 1,001 TB of storage infrastructure for VA EO systems located at the following primary datacenters and satellite locations: Austin Information Technology Center, Philadelphia Information Technology Center, Hines Information Technology Center, Central Region Recovery Center, Quantico Information Technology Center, and Culpepper Information Technology Center. The required software will support data backup for all EO hosted systems, storage, and associated applications that are currently deployed for backup and restore functions at all EO primary and satellite datacenter locations. Delivery of the license shall be 30 days after receipt of order. The period of performance for the software maintenance and support, including Symantec Business Critical Services NetBackup Family Remote Product Specialist, and Symantec NetBackup Resident shall be 12 months from Government acceptance of the delivered software.
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) 16.505(b)(2)(i)(B), entitled "Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized."
5. Rationale Supporting Use of Authority Cited Above: Based on market research, as described in section 8 of this justification, it was determined that limited competition is viable among authorized resellers for the required Symantec NetBackup Platform Capacity based software licenses, maintenance and support. EO currently uses a Symantec-based storage backup solution at data center locations specified in section 3. No other backup software is able to integrate with the currently fielded Symantec-based solution infrastructure. Additionally, no other brand name backup software has been

determined to be interoperable or compatible with the existing Symantec-based infrastructure. Specifically, the current infrastructure communicates through source code that is based on Symantec proprietary data, and any alternate brand product will use its own proprietary code which would not be compatible with the existing infrastructure. Failure to acquire a compatible software license, maintenance and support could cause system failures, putting the 1,001 TB of stored data currently being backed up and restored, including internal VA information, at risk of being breached.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. It was determined, however, that limited competition is anticipated among resellers for the required Symantec NetBackup software, maintenance and support on the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and the justification will be made publicly available within 14 days of award on the Federal Business Opportunities Page. Additionally, in accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to all NASA SEWP V GWAC holders.

7. Actions to Increase Competition: The Government will continually conduct market research by surveying the marketplace to determine if there is any other backup software that can meet VA's needs to allow for a future competitive procurement.

8. Market Research: In April through May 2015, Government technical experts conducted market research by reviewing other similar software from EMC and International Business Machines to ascertain if other solutions could meet the Government's requirements for interoperability and compatibility with VA's current infrastructure. They determined that the only solution that can meet VA's needs is Symantec NetBackup software, which can only be obtained through Symantec or an authorized reseller. No other solution can interoperate with VA's current data backup infrastructure as it communicates through source code that is based on Symantec proprietary data. Finally, in July 2015 the Contract Specialist conducted market research to ascertain the extent of limited competition among resellers. Through use of the Provider Look-up tool on the NASA SEWP V GWAC website, numerous resellers of Symantec products and support were identified that could possibly meet VA's needs. Therefore limited competition is anticipated.

9. Other Facts: None.